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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,354	10/16/2000	Stephen J. Boies	YOR9-2000-0271(1963-4942)	9789

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EXAMINER
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HU, JINSONG

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/688,354

Applicant(s)

BOIES ET AL.

Examiner

Jinsong Hu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47, 49-51 and 53-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47, 49-51 and 53-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-47, 49-51 and 53-55 are presented for examination. Claims 1 and 20 have been amended; claims 48 and 52 have been canceled.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-47, 49-51 and 53-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (US 5,884,272).

4. As per claims 1 and 16-18, Walker teaches the invention as claimed including a method of operating a computer network implementing progressive information disclosures [col. 1, lines 9-13] comprising:

receiving electronically from a first user, levels of information to be presented in a sequence [300, Fig. 1; col. 4, lines 19-27; col. 8, lines 21-30; col. 8, line 63 – col. 9, line 3; col. 24, lines 56];

receiving electronically a request from a second user for information provided by the first user [400, Fig. 1; col. 8, lines 31-41; col. 24, lines 60-64];

transmitting electronically the information levels in said sequence to the second user until a termination response is received or until the sequence has completed [col. 4, line 56 – col. 6, line 6; col. 17, lines 5-64; col. 25, lines 1-13], and wherein the information levels are transmitted at a rate controlled by an interest level of either the first user or the second user [col. 9, lines 40-61; i.e., the information level or required information are transmitted to the request user based on his/her search criteria, which reflecting his/her interest, the transmitting “rate” based on user’s request “rate”].

5. As per claim 2, Walker teaches the step of receiving electronically from a second user a plurality of levels of information, the information levels to be presented in a sequence after receiving the first user information levels [col. 4, lines 60-62; col. 9, lines 50-57].

6. As per claim 3, Walker teaches the step of receiving electronically a request from the first user for information provided by the second user and transmitting electronically the plurality of information levels from the second user in sequence to the first user before the transmitting step [col. 7, lines 1-8].

7. As per claims 4-5 and 14, Walker teaches the information is transmitted simultaneously to the first and the second user and terminating information transmission to the first user and to the second user simultaneously [col. 9, line 62 – col. 10, line 7].

8. As per claims 6 and 7, Walker teaches the transmitted information is the same or not same between the first user and the second user [col. 19, lines 19-36].

9. As per claims 8-9 and 19, Walker teaches the termination response is a release or pressing of a mouse button, a touch of a screen element, or the pressing of a key [col. 10, lines 3-7].

10. As per claims 10 and 13, Walker teaches the step of verifying the accuracy of the information provided by both the first and second user before the transmitting step [col. 9, lines 4-25].

11. As per claims 11 and 12, Walker teach first user is one of a group of first users. and the second user is one of a group of second users [col. 4, lines 19-27; col. 7, lines 49-62].

12. As per claim 15, Walker teaches the media transmitted is text, audio, image, motion video or biometric [col. 8, lines 52-56].

13. As per claims 20-38, since they are system claims of claims 1-19, they are rejected for the same basis as claims 1-19 above.

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14. As per claims 39-41, since they are computer program claims of 1-3, they are rejected for the same basis as claims 1-3 above.

15. As per claims 42-44, since they are computer memory claims of claims 1-3, they are rejected for the same basis as claims 1-3 above.

16. As per claims 45-47, since they are apparatus claims of claims 1-3, they are rejected for the same basis as claims 1-3 above.

17. As per claims 49-51, Walker teaches the information is disclosed at a rate controlled by an interest level of either the first user or the second user and in a context of the interest level of either the first user or the second user [col. 17, lines 16-49].

18. As per claims 53-55, since they are system claims of claims 48-51, they are rejected for same basis as claims 48-51 above.

### ***Conclusion***

19. Applicant's arguments filed on 7/9/04 for claims 1-47, 49-51 and 53-55 have been fully considered but they are not deemed to be persuasive.

In the remarks, applicant argued in substance that (1) Walker dose not teach the information level is transmitted based on a rate controlled by either of two users. (2)

Walker does not teach limitations in claims 16-19 and 37-37 for sending criteria and alternate search criteria between two users.

20. Examiner respectfully traverses applicant's remarks:

A. As to point (1), see corresponding paragraph of this Office Action for details.

B. As to point (2), applicant fails to consider the teaching of Walker's reference for authorization procedure and determining the information level to be transmitted to requester [i.e., all or part of information, col. 17, lines 16-64], walker also teaches the step of allowing requester modifying the search criteria [col. 17, lines 5-10].

Accordingly, Walker is a relevant prior art reference.

21. THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

22. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

May 27, 2005



VIET D. VU  
PRIMARY EXAMINER